

January 30, 1992 LB 671

SENATOR CROSBY: Well you can have the rest of my time. Thank you.

SENATOR LINDSAY: No, that is the intent here, it's to take out those provisions that change and create a statutory succession of who makes those decisions. Senator Kristensen, while we were just talking away from the microphones here, raised an interesting point that I can't argue with. He says maybe we ought to have that in statute, maybe we ought to have provisions for who decides and in what order and that is and can be a very valid choice, but the fact is this is not, and I don't think anybody here can truthfully say that when this public hearing was held people were concerned about what order are those decisions going to be made in the event you don't have a living will. I'd suggest if we pulled the transcript from the living will hearing that the question was, should we have living wills or shouldn't we have living wills and very little went into the meat of the bill. I'm only halfway joking when I say we could pass a lot of things under the name living will. We may want to do this, at some point we may want to do this, but the point is, we ought to be up front and say this is what we want to do. We ought to allow people to come in and give us pros and cons about who should and should not be allowed to make that decision. We should include, again, history on that, legislative history on that so that it could be interpreted well. We should include with that a...what we want to decide on that. At a minimum we ought to debate whether or not these are the proper way to go about it, the right schedule or list, if you will. It may be something we want to do and I could probably guess that the Hospital Association and the Medical Association would want that, that type of a list in there, but I guess what I'm driving at is if we're selling this as a living will bill, let's make it a living will bill. Let's not go beyond those people who don't understand living wills, number one, don't understand durable powers of attorney, number two, who don't want to make that decision, who want it to be left up to their family as it has been done and I think most hospitals and lawyers or most hospitals and doctors will tell you, rarely, rarely will a living will be used because if you look at how many people actually die in a hospital...

PRESIDENT MOUL: One minute.

SENATOR LINDSAY: ...how many people actually die in a hospital after being in a persistent vegetative state, how many people